
SUBSTITUTE HOUSE BILL 1552

State of Washington

64th Legislature

2015 Regular Session

By House Commerce & Gaming (originally sponsored by Representatives Shea, Taylor, Condotta, Pike, Goodman, G. Hunt, Scott, Buys, Holy, Griffey, Blake, Fitzgibbon, Hurst, Ormsby, Young, and Magendanz)

READ FIRST TIME 02/13/15.

1 AN ACT Relating to industrial hemp; amending RCW 69.50.345,
2 69.50.101, and 69.50.204; adding a new chapter to Title 15 RCW;
3 creating new sections; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that hemp has been
6 continuously cultivated for millennia, is accepted and available in
7 the global marketplace, and has numerous beneficial, practical, and
8 economic uses, including, but not limited to: High strength fiber;
9 textiles; clothing; biofuel; paper products; protein rich food
10 containing fatty acids and amino acids; biodegradable plastics;
11 resins; nontoxic medicinal and cosmetic products; construction
12 materials; rope; and value-added crafts.

13 The many beneficial agricultural and environmental uses of hemp
14 include, but are not limited to: Livestock feed and bedding; carbon
15 dioxide absorption and conversion; stream buffering; erosion control;
16 water and soil purification; and weed control.

17 The hemp plant is an annual herbaceous plant that, on average,
18 varies in height from three to nineteen feet and has a stem diameter
19 averaging between one-quarter to one and one-half inches. The hemp
20 plant is morphologically distinctive and readily identifiable as an

1 agricultural crop grown for the cultivation and harvesting of its
2 fiber and seed.

3 The agricultural act of 2014, known as the farm bill, passed by
4 congress last year, authorizes the growing of hemp by institutions of
5 higher learning and state departments of agriculture for academic or
6 agricultural research purposes, but only in those states that have
7 already legalized hemp production. At least eight states have passed
8 legislation generally authorizing the production and marketing of
9 industrial hemp and eleven others have authorized either hemp pilot
10 studies or the production of hemp for agricultural research purposes,
11 or both.

12 Hemp cultivation will enable the state of Washington to
13 accelerate economic growth and job creation, promote environmental
14 stewardship, and expand export opportunities.

15 Therefore, it is the intent of the legislature to legalize the
16 agricultural production of industrial hemp and provide a regulatory
17 framework that will ensure the security and safety of hemp crops
18 while at the same time facilitate the ability of Washington farmers
19 to successfully compete in the global hemp marketplace.

20 NEW SECTION. **Sec. 2.** (1) Industrial hemp is an agricultural
21 product that may be legally grown, produced, possessed, processed,
22 and commercially traded in accordance with the provisions of this
23 chapter. Interstate and international commercial transactions may be
24 conducted by state licensed industrial hemp producers and processors
25 with respect to industrial hemp and industrial hemp products produced
26 in this state by licensees. The department is granted the rule-making
27 authority necessary to implement the provisions of this chapter.

28 (2) The department is authorized to adopt rules addressing the
29 prevention of cross-pollination between industrial hemp plants and
30 marijuana plants. Any rule making regarding this issue must be done
31 in consultation with the state liquor control board in order to
32 ensure consistency between the rules developed by the department and
33 the state liquor control board, respectively, relating to cross-
34 pollination issues potentially affecting licensees under this chapter
35 and chapter 69.50 RCW.

36 NEW SECTION. **Sec. 3.** The definitions in this section apply
37 throughout this chapter unless the context clearly requires
38 otherwise.

1 (1) "Cultivar" means a variation of genera *Cannabis* that has been
2 developed through cultivation by selective breeding.

3 (2) "Department" means the Washington state department of
4 agriculture.

5 (3) "Grower" means any person or entity growing industrial hemp
6 and being duly licensed in accordance with the provisions of this
7 chapter.

8 (4) "Hemp products" include all products made from industrial
9 hemp including, but not limited to, cloth, cordage, fiber, food,
10 fuel, paint, paper, building materials, plastics, seed, livestock
11 feed, seed meal, seed oil intended for consumption, seed certified
12 for cultivation, or any other hemp product derived from industrial
13 hemp, provided the product is derived from seeds originating from
14 industrial hemp cultivars approved by the department in accordance
15 with the provisions of this chapter.

16 (5) "Industrial hemp" means all parts and varieties of the genera
17 *Cannabis*, cultivated or possessed by a grower, whether growing or
18 not, that contain a tetrahydrocannabinol concentration of 0.3 percent
19 or less by dry weight, except that the THC concentration limit of 0.3
20 percent may be exceeded with respect to seeds used for licensed
21 industrial hemp research conducted in accordance with the
22 requirements of sections 8 and 10 of this act. Industrial hemp does
23 not include plants of the genera *Cannabis* that meet the definition of
24 "marijuana" under RCW 69.50.101.

25 (6) "THC" or "tetrahydrocannabinol" means the component delta-9-
26 tetrahydrocannabinol contained in the genera *Cannabis*, or in the
27 resinous extractives of the genera *Cannabis*, or the synthetic
28 substances, derivatives, and their isomers with similar chemical
29 structure and pharmacological activity.

30 (7) "THC concentration" means percent of total THC, which is the
31 percent of delta-9 tetrahydrocannabinol in any part of the genera
32 *Cannabis*, regardless of moisture content.

33 NEW SECTION. **Sec. 4.** (1) The department shall administer and
34 enforce the provisions of this chapter.

35 (2) The department is authorized to investigate compliance with
36 this chapter, and have access, subject to the provisions of
37 subsection (3) of this section, to all land, buildings, or places
38 where industrial hemp is grown, kept, stored, or handled, and to all

1 records relating to hemp production. The department may make copies
2 of the records.

3 (3) The department may access properties and records specified in
4 subsection (2) of this section during regular business hours upon the
5 consent of the grower or when the department has probable cause to
6 believe that any grower licensed under this chapter is otherwise in
7 violation of this chapter or rules adopted under it.

8 NEW SECTION. **Sec. 5.** (1) Any person or entity wishing to engage
9 in the production of industrial hemp must be licensed as an
10 industrial hemp grower by the department. A department-issued license
11 authorizes industrial hemp production only at the site or sites
12 specified by the licensee in the licensee's license application.

13 (2) In order to obtain a license, a prospective licensee must
14 file an application with the department. The department must make a
15 determination to either grant or deny a license within sixty days of
16 receipt of the application. A department-issued license is valid for
17 thirty-six months and may be renewed, but may not be transferred.

18 (3) To qualify for a license, an applicant shall demonstrate to
19 the satisfaction of the department, in a manner prescribed by the
20 department, that the applicant intends to and is capable of growing
21 industrial hemp and has adopted methods to ensure its safe
22 production, which at a minimum include:

23 (a) Securing the supply of all industrial hemp seed obtained for
24 planting in compliance with this chapter;

25 (b) Ensuring the integrity of the industrial hemp crop while it
26 is in the field, which includes filing with the department the
27 location and acreage of all parcels sown and other field reference
28 information as may be required by the director;

29 (c) Agreeing to the provisions of section 4 of this act regarding
30 inspections and records requests by the department; and

31 (d) Maintaining records that reflect compliance with the
32 provisions of this chapter and with all other state law regulating
33 the planting and cultivation of hemp.

34 (4)(a) Except as provided in (b) of this subsection, all licensed
35 growers must maintain all production records for at least three years
36 at the production site.

37 (b) Licensed growers who are corporate entities must maintain
38 production records for at least three years either at the production
39 site or at a corporate office located within the state.

1 (5) Every grower shall place signs at the natural access points
2 of industrial hemp fields that communicate, at a minimum, that the
3 crop is industrial hemp and that the THC content is insignificant.
4 The minimum length of the signs is twenty-four inches and the minimum
5 height is eighteen inches.

6 NEW SECTION. **Sec. 6.** (1) The department may deny, suspend,
7 revoke, or refuse to renew the license of any grower that:

8 (a) Makes a false statement or misrepresentation on an
9 application for a license or renewal of a license;

10 (b) Fails to comply with or violates any provision of this
11 chapter or any rule adopted under it; or

12 (c) Fails to take any action required by the department under the
13 provisions of this chapter.

14 (2) Revocation or suspension of a license may be in addition to
15 any criminal penalties or fines imposed on a grower under other state
16 law.

17 NEW SECTION. **Sec. 7.** (1) The department shall charge a fee for
18 each license granted to a grower under this chapter. The fee amount
19 charged for the first growing season after the effective date of this
20 section is ten dollars per acre of land under cultivation. After the
21 first growing season, the department shall adopt by rule a fee to
22 fund and administer the program, to be used beginning with the
23 growing season following the first growing season. All fee revenue
24 must be deposited in the dedicated industrial hemp account created in
25 section 12 of this act.

26 (2) After the third growing season, the department shall report
27 to the legislature on the fee amount, the acres of industrial hemp in
28 production, and the revenue generated from industrial hemp.

29 NEW SECTION. **Sec. 8.** (1) The industrial hemp authorized for
30 production under this chapter must be propagated through certified,
31 conventionally bred pedigreed seeds as determined by the department
32 through its rule-making authority. Except when grown by an accredited
33 agricultural research institution or by a registered seed breeder
34 developing a new Washington seed cultivar, industrial hemp must be
35 grown only from seed types identified on a list of approved seed
36 cultivars to be established by the department by rule.

1 (2) The following varieties of seed cultivars are approved by the
2 department for industrial hemp production and are exempt from the THC
3 testing required under section 9 of this act: Alyssa; Anka; CFX-1;
4 CFX-2; Delores; X-59 (Hemp Nut); Crag; CRS-1; USO 14; USO 31; and
5 Zolotonosha 11.

6 (3) The following varieties of seed cultivars are approved by the
7 department for industrial hemp production but must undergo THC
8 testing as required under section 9 of this act unless and until such
9 time as the department determines they are exempt from THC testing:
10 Canda; CanMa; Carmagnola; Carmen; CS; Deni; Epsilon 68; ESTA-1;
11 Fasamo; Fedrina 74; Fedura 17; Felina 34; Ferimon; Fibranova;
12 Fibriko; Fibrimon 24; Fibrimon 56; Finola; Futura 75; Joey; Jutta;
13 Komplti; Kompolti Hybrid TC; Kompolti Sargaszaru; Lovrin 110; Petera;
14 Santhica 27; Silesia; UC-RGM; Uniko B; Yvonne; and Zolotonosha 15.

15 (4) In addition to those approved cultivars identified in
16 subsections (2) and (3) of this section, the department must
17 determine and adopt by rule a list of approved seed cultivars. In
18 establishing the list of department-approved seed cultivars, the
19 department should consider the following:

20 (a) Industrial hemp seed cultivars that have been certified by or
21 after January 1, 2013, by member organizations of the association of
22 official seed certifying agencies, including, but not limited to, the
23 Canadian seed growers' association; and

24 (b) Industrial hemp seed cultivars that have been certified by or
25 after January 1, 2013, by the organization of economic cooperation
26 and development.

27 (5) Industrial hemp seeds are subject to the provisions and
28 requirements of RCW 15.49.370, which establishes the general
29 regulatory authority of the department with respect to agricultural
30 seeds. Pursuant to this authority, the department may sample,
31 inspect, analyze, and generally regulate the industrial hemp seeds
32 used by licensed growers in this state. The department may also
33 charge fees and special assessments to licensed growers, as
34 established by rule, related to the inspection, testing, and
35 certification of industrial hemp seeds.

36 (6) For the purposes of this section and RCW 15.49.370,
37 industrial hemp seed samples collected for inspection and testing
38 purposes must be directly taken into the custody of an authorized
39 employee of the department. Following collection, the department
40 employee must package and transport the seeds in a manner that

1 ensures that the integrity of the sample is maintained until delivery
2 to the testing facility.

3 (7) The department is not responsible for:

4 (a) Determining whether a specific hemp product has been derived
5 from approved industrial hemp cultivars; or

6 (b) Taking any enforcement action requiring the determination of
7 whether a hemp product has been derived from approved industrial hemp
8 cultivars.

9 NEW SECTION. **Sec. 9.** (1) Industrial hemp growers are required
10 to annually submit plant samples to an independent, department-
11 certified testing laboratory for the testing of THC levels in
12 accordance with the requirements of this chapter. The annual test
13 results must be retained by the grower for a period of three years.
14 The samples must be from each noncontiguous, individually
15 identifiable field, regardless of size, that is owned or controlled
16 by the grower. The costs of the testing must be borne by the producer
17 and the test results must be provided to the department by either the
18 laboratory or the grower, or both, at the request of the department.
19 The department has discretionary authority to require random testing
20 at any time.

21 (2) The department may exempt a grower from the annual testing
22 requirement established under this section if the annual test results
23 of the hemp varieties grown by that producer prove to contain 0.3
24 percent THC or less for three consecutive years.

25 (3) The department shall adopt by rule the criteria for the
26 certification of a testing laboratory and the testing standards and
27 processes to be used by a laboratory under this section.

28 NEW SECTION. **Sec. 10.** (1) Subject to receiving federal or
29 private funds for this purpose, Washington State University shall
30 study the feasibility and desirability of industrial hemp production
31 in Washington state. In conducting the study, Washington State
32 University shall gather information from agricultural and scientific
33 literature, consulting with experts and the public, and reviewing the
34 best practices of other states and countries worldwide regarding the
35 development of markets for industrial hemp and hemp products. The
36 study must include an analysis of:

37 (a) The market economic conditions affecting the development of
38 an industrial hemp industry in the state;

1 (b) The estimated value-added benefit that Washington's economy
2 would obtain from having a developed industrial hemp industry in the
3 state;

4 (c) Whether Washington soils and growing conditions are
5 appropriate for economically viable levels of industrial hemp
6 production;

7 (d) Issues related to the potential for cross-pollination between
8 industrial hemp plants and marijuana plants;

9 (e) The threat posed to industrial hemp by agricultural pests and
10 diseases and the potential remedies for these agricultural threats;

11 (f) Any potential threat to the state's hop industry posed by the
12 agricultural production of industrial hemp and methods that might be
13 used to mitigate such threat;

14 (g) The agronomy research being conducted worldwide relating to
15 industrial hemp varieties, production, and use; and

16 (h) Other legislative acts, experiences, and outcomes around the
17 world regarding industrial hemp production.

18 (2)(a) Washington State University shall report its findings to
19 the legislature by January 14, 2016.

20 (b) The report must include recommendations for any legislative
21 actions necessary to encourage and support the development of an
22 industrial hemp industry in the state of Washington.

23 (3) This section expires August 1, 2016.

24 NEW SECTION. **Sec. 11.** Raw hemp seeds intended for human
25 consumption may not be sold to the public at retail unless the
26 processing of the seeds includes heating sufficient to kill the seed
27 so as to ensure that the seed is incapable of germination. This
28 requirement does not apply to retail sales of raw hemp seeds that
29 have had the hulls removed.

30 NEW SECTION. **Sec. 12.** The dedicated industrial hemp account is
31 created in the custody of the state treasurer. All receipts from
32 license fees, seed testing fees and assessments, penalties,
33 forfeitures, and all other moneys, income, or revenue received by the
34 department from industrial hemp-related activities must be deposited
35 into the account. Expenditures from the account may be used only for
36 the purposes of this chapter in order to defray the costs of
37 activities and expenditures related to the regulation of industrial
38 hemp. Only the director of the department or the director's designee

1 may authorize expenditures from the account. The account is subject
2 to allotment procedures under chapter 43.88 RCW, but an appropriation
3 is not required for expenditures.

4 NEW SECTION. **Sec. 13.** By January 15th of each year, the
5 department must report to the relevant committees of the legislature
6 with jurisdiction over agricultural activities regarding
7 implementation of this chapter and on the commercialization of
8 industrial hemp in this state and elsewhere in the world, and
9 recommend any changes to this chapter deemed appropriate.

10 **Sec. 14.** RCW 69.50.345 and 2013 c 3 s 10 are each amended to
11 read as follows:

12 The state liquor control board, subject to the provisions of
13 chapter 3, Laws of 2013, must adopt rules (~~by December 1, 2013,~~)
14 that establish the procedures and criteria necessary to implement the
15 following:

16 (1) Licensing of marijuana producers, marijuana processors, and
17 marijuana retailers, including prescribing forms and establishing
18 application, reinstatement, and renewal fees;

19 (2) Determining, in consultation with the office of financial
20 management, the maximum number of retail outlets that may be licensed
21 in each county, taking into consideration:

22 (a) Population distribution;

23 (b) Security and safety issues; and

24 (c) The provision of adequate access to licensed sources of
25 useable marijuana and marijuana-infused products to discourage
26 purchases from the illegal market;

27 (3) Determining the maximum quantity of marijuana a marijuana
28 producer may have on the premises of a licensed location at any time
29 without violating Washington state law;

30 (4) Determining the maximum quantities of marijuana, useable
31 marijuana, and marijuana-infused products a marijuana processor may
32 have on the premises of a licensed location at any time without
33 violating Washington state law;

34 (5) Determining the maximum quantities of useable marijuana and
35 marijuana-infused products a marijuana retailer may have on the
36 premises of a retail outlet at any time without violating Washington
37 state law;

1 (6) In making the determinations required by subsections (3)
2 through (5) of this section, the state liquor control board shall
3 take into consideration:

4 (a) Security and safety issues;

5 (b) The provision of adequate access to licensed sources of
6 marijuana, useable marijuana, and marijuana-infused products to
7 discourage purchases from the illegal market; and

8 (c) Economies of scale, and their impact on licensees' ability to
9 both comply with regulatory requirements and undercut illegal market
10 prices;

11 (7) Determining the nature, form, and capacity of all containers
12 to be used by licensees to contain marijuana, useable marijuana, and
13 marijuana-infused products, and their labeling requirements, to
14 include but not be limited to:

15 (a) The business or trade name and Washington state unified
16 business identifier number of the licensees that grew, processed, and
17 sold the marijuana, useable marijuana, or marijuana-infused product;

18 (b) Lot numbers of the marijuana, useable marijuana, or
19 marijuana-infused product;

20 (c) THC concentration of the marijuana, useable marijuana, or
21 marijuana-infused product;

22 (d) Medically and scientifically accurate information about the
23 health and safety risks posed by marijuana use; and

24 (e) Language required by RCW 69.04.480;

25 (8) In consultation with the department of agriculture,
26 establishing classes of marijuana, useable marijuana, and marijuana-
27 infused products according to grade, condition, cannabinoid profile,
28 THC concentration, or other qualitative measurements deemed
29 appropriate by the state liquor control board;

30 (9) Addressing issues relating to the prevention of cross-
31 pollination between industrial hemp plants and marijuana plants. Any
32 rule making on this issue must be done in consultation with the
33 department of agriculture in order to ensure consistency between the
34 rules developed by the department of agriculture and the state liquor
35 control board, respectively, related to cross-pollination issues
36 potentially affecting licensees under this chapter and chapter 15.--
37 RCW (the new chapter created in section 17 of this act);

38 (10) Establishing reasonable time, place, and manner restrictions
39 and requirements regarding advertising of marijuana, useable
40 marijuana, and marijuana-infused products that are not inconsistent

1 with the provisions of chapter 3, Laws of 2013, taking into
2 consideration:

3 (a) Federal laws relating to marijuana that are applicable within
4 Washington state;

5 (b) Minimizing exposure of people under twenty-one years of age
6 to the advertising; and

7 (c) The inclusion of medically and scientifically accurate
8 information about the health and safety risks posed by marijuana use
9 in the advertising;

10 ~~((10))~~ (11) Specifying and regulating the time and periods
11 when, and the manner, methods, and means by which, licensees shall
12 transport and deliver marijuana, useable marijuana, and marijuana-
13 infused products within the state;

14 ~~((11))~~ (12) In consultation with the department and the
15 department of agriculture, establishing accreditation requirements
16 for testing laboratories used by licensees to demonstrate compliance
17 with standards adopted by the state liquor control board, and
18 prescribing methods of producing, processing, and packaging
19 marijuana, useable marijuana, and marijuana-infused products;
20 conditions of sanitation; and standards of ingredients, quality, and
21 identity of marijuana, useable marijuana, and marijuana-infused
22 products produced, processed, packaged, or sold by licensees;

23 ~~((12))~~ (13) Specifying procedures for identifying, seizing,
24 confiscating, destroying, and donating to law enforcement for
25 training purposes all marijuana, useable marijuana, and marijuana-
26 infused products produced, processed, packaged, labeled, or offered
27 for sale in this state that do not conform in all respects to the
28 standards prescribed by chapter 3, Laws of 2013 or the rules of the
29 state liquor control board.

30 **Sec. 15.** RCW 69.50.101 and 2014 c 192 s 1 are each amended to
31 read as follows:

32 Unless the context clearly requires otherwise, definitions of
33 terms shall be as indicated where used in this chapter:

34 (a) "Administer" means to apply a controlled substance, whether
35 by injection, inhalation, ingestion, or any other means, directly to
36 the body of a patient or research subject by:

37 (1) a practitioner authorized to prescribe (or, by the
38 practitioner's authorized agent); or

1 (2) the patient or research subject at the direction and in the
2 presence of the practitioner.

3 (b) "Agent" means an authorized person who acts on behalf of or
4 at the direction of a manufacturer, distributor, or dispenser. It
5 does not include a common or contract carrier, public
6 warehouseperson, or employee of the carrier or warehouseperson.

7 (c) "Commission" means the pharmacy quality assurance commission.

8 (d) "Controlled substance" means a drug, substance, or immediate
9 precursor included in Schedules I through V as set forth in federal
10 or state laws, or federal or commission rules.

11 (e)(1) "Controlled substance analog" means a substance the
12 chemical structure of which is substantially similar to the chemical
13 structure of a controlled substance in Schedule I or II and:

14 (i) that has a stimulant, depressant, or hallucinogenic effect on
15 the central nervous system substantially similar to the stimulant,
16 depressant, or hallucinogenic effect on the central nervous system of
17 a controlled substance included in Schedule I or II; or

18 (ii) with respect to a particular individual, that the individual
19 represents or intends to have a stimulant, depressant, or
20 hallucinogenic effect on the central nervous system substantially
21 similar to the stimulant, depressant, or hallucinogenic effect on the
22 central nervous system of a controlled substance included in Schedule
23 I or II.

24 (2) The term does not include:

25 (i) a controlled substance;

26 (ii) a substance for which there is an approved new drug
27 application;

28 (iii) a substance with respect to which an exemption is in effect
29 for investigational use by a particular person under Section 505 of
30 the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the
31 extent conduct with respect to the substance is pursuant to the
32 exemption; or

33 (iv) any substance to the extent not intended for human
34 consumption before an exemption takes effect with respect to the
35 substance.

36 (f) "Deliver" or "delivery," means the actual or constructive
37 transfer from one person to another of a substance, whether or not
38 there is an agency relationship.

39 (g) "Department" means the department of health.

1 (h) "Dispense" means the interpretation of a prescription or
2 order for a controlled substance and, pursuant to that prescription
3 or order, the proper selection, measuring, compounding, labeling, or
4 packaging necessary to prepare that prescription or order for
5 delivery.

6 (i) "Dispenser" means a practitioner who dispenses.

7 (j) "Distribute" means to deliver other than by administering or
8 dispensing a controlled substance.

9 (k) "Distributor" means a person who distributes.

10 (l) "Drug" means (1) a controlled substance recognized as a drug
11 in the official United States pharmacopoeia/national formulary or the
12 official homeopathic pharmacopoeia of the United States, or any
13 supplement to them; (2) controlled substances intended for use in the
14 diagnosis, cure, mitigation, treatment, or prevention of disease in
15 individuals or animals; (3) controlled substances (other than food)
16 intended to affect the structure or any function of the body of
17 individuals or animals; and (4) controlled substances intended for
18 use as a component of any article specified in (1), (2), or (3) of
19 this subsection. The term does not include devices or their
20 components, parts, or accessories.

21 (m) "Drug enforcement administration" means the drug enforcement
22 administration in the United States Department of Justice, or its
23 successor agency.

24 (n) "Electronic communication of prescription information" means
25 the transmission of a prescription or refill authorization for a drug
26 of a practitioner using computer systems. The term does not include a
27 prescription or refill authorization verbally transmitted by
28 telephone nor a facsimile manually signed by the practitioner.

29 (o) "Immediate precursor" means a substance:

30 (1) that the commission has found to be and by rule designates as
31 being the principal compound commonly used, or produced primarily for
32 use, in the manufacture of a controlled substance;

33 (2) that is an immediate chemical intermediary used or likely to
34 be used in the manufacture of a controlled substance; and

35 (3) the control of which is necessary to prevent, curtail, or
36 limit the manufacture of the controlled substance.

37 (p) "Isomer" means an optical isomer, but in subsection (z)(5) of
38 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
39 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
40 (42), and 69.50.210(c) the term includes any positional isomer; and

1 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
2 includes any positional or geometric isomer.

3 (q) "Lot" means a definite quantity of marijuana, useable
4 marijuana, or marijuana-infused product identified by a lot number,
5 every portion or package of which is uniform within recognized
6 tolerances for the factors that appear in the labeling.

7 (r) "Lot number" shall identify the licensee by business or trade
8 name and Washington state unified business identifier number, and the
9 date of harvest or processing for each lot of marijuana, useable
10 marijuana, or marijuana-infused product.

11 (s) "Manufacture" means the production, preparation, propagation,
12 compounding, conversion, or processing of a controlled substance,
13 either directly or indirectly or by extraction from substances of
14 natural origin, or independently by means of chemical synthesis, or
15 by a combination of extraction and chemical synthesis, and includes
16 any packaging or repackaging of the substance or labeling or
17 relabeling of its container. The term does not include the
18 preparation, compounding, packaging, repackaging, labeling, or
19 relabeling of a controlled substance:

20 (1) by a practitioner as an incident to the practitioner's
21 administering or dispensing of a controlled substance in the course
22 of the practitioner's professional practice; or

23 (2) by a practitioner, or by the practitioner's authorized agent
24 under the practitioner's supervision, for the purpose of, or as an
25 incident to, research, teaching, or chemical analysis and not for
26 sale.

27 (t) "Marijuana" or "marihuana" means all parts of the plant
28 Cannabis, whether growing or not, with a THC concentration greater
29 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
30 extracted from any part of the plant; and every compound,
31 manufacture, salt, derivative, mixture, or preparation of the plant,
32 its seeds or resin. The term does not include industrial hemp, as
33 defined in section 3 of this act, seeds used for licensed industrial
34 hemp research under sections 8 and 10 of this act, the mature stalks
35 of the plant, fiber produced from the stalks, oil or cake made from
36 the seeds of the plant, any other compound, manufacture, salt,
37 derivative, mixture, or preparation of the mature stalks (except the
38 resin extracted therefrom), fiber, oil, or cake, or the sterilized
39 seed of the plant which is incapable of germination.

1 (u) "Marijuana concentrates" means products consisting wholly or
2 in part of the resin extracted from any part of the plant Cannabis
3 and having a THC concentration greater than sixty percent.

4 (v) "Marijuana processor" means a person licensed by the state
5 liquor control board to process marijuana into useable marijuana and
6 marijuana-infused products, package and label useable marijuana and
7 marijuana-infused products for sale in retail outlets, and sell
8 useable marijuana and marijuana-infused products at wholesale to
9 marijuana retailers.

10 (w) "Marijuana producer" means a person licensed by the state
11 liquor control board to produce and sell marijuana at wholesale to
12 marijuana processors and other marijuana producers.

13 (x) "Marijuana-infused products" means products that contain
14 marijuana or marijuana extracts, are intended for human use, and have
15 a THC concentration greater than 0.3 percent and no greater than
16 sixty percent. The term "marijuana-infused products" does not include
17 either useable marijuana or marijuana concentrates.

18 (y) "Marijuana retailer" means a person licensed by the state
19 liquor control board to sell useable marijuana and marijuana-infused
20 products in a retail outlet.

21 (z) "Narcotic drug" means any of the following, whether produced
22 directly or indirectly by extraction from substances of vegetable
23 origin, or independently by means of chemical synthesis, or by a
24 combination of extraction and chemical synthesis:

25 (1) Opium, opium derivative, and any derivative of opium or opium
26 derivative, including their salts, isomers, and salts of isomers,
27 whenever the existence of the salts, isomers, and salts of isomers is
28 possible within the specific chemical designation. The term does not
29 include the isoquinoline alkaloids of opium.

30 (2) Synthetic opiate and any derivative of synthetic opiate,
31 including their isomers, esters, ethers, salts, and salts of isomers,
32 esters, and ethers, whenever the existence of the isomers, esters,
33 ethers, and salts is possible within the specific chemical
34 designation.

35 (3) Poppy straw and concentrate of poppy straw.

36 (4) Coca leaves, except coca leaves and extracts of coca leaves
37 from which cocaine, ecgonine, and derivatives or ecgonine or their
38 salts have been removed.

39 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

40 (6) Cocaine base.

1 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
2 thereof.

3 (8) Any compound, mixture, or preparation containing any quantity
4 of any substance referred to in subparagraphs (1) through (7).

5 (aa) "Opiate" means any substance having an addiction-forming or
6 addiction-sustaining liability similar to morphine or being capable
7 of conversion into a drug having addiction-forming or addiction-
8 sustaining liability. The term includes opium, substances derived
9 from opium (opium derivatives), and synthetic opiates. The term does
10 not include, unless specifically designated as controlled under RCW
11 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
12 and its salts (dextromethorphan). The term includes the racemic and
13 levorotatory forms of dextromethorphan.

14 (bb) "Opium poppy" means the plant of the species *Papaver*
15 *somniferum* L., except its seeds.

16 (cc) "Person" means individual, corporation, business trust,
17 estate, trust, partnership, association, joint venture, government,
18 governmental subdivision or agency, or any other legal or commercial
19 entity.

20 (dd) "Poppy straw" means all parts, except the seeds, of the
21 opium poppy, after mowing.

22 (ee) "Practitioner" means:

23 (1) A physician under chapter 18.71 RCW; a physician assistant
24 under chapter 18.71A RCW; an osteopathic physician and surgeon under
25 chapter 18.57 RCW; an osteopathic physician assistant under chapter
26 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
27 limitations in RCW 18.57A.040; an optometrist licensed under chapter
28 18.53 RCW who is certified by the optometry board under RCW 18.53.010
29 subject to any limitations in RCW 18.53.010; a dentist under chapter
30 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
31 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
32 registered nurse practitioner, or licensed practical nurse under
33 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
34 who is licensed under RCW 18.36A.030 subject to any limitations in
35 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
36 investigator under this chapter, licensed, registered or otherwise
37 permitted insofar as is consistent with those licensing laws to
38 distribute, dispense, conduct research with respect to or administer
39 a controlled substance in the course of their professional practice
40 or research in this state.

1 (2) A pharmacy, hospital or other institution licensed,
2 registered, or otherwise permitted to distribute, dispense, conduct
3 research with respect to or to administer a controlled substance in
4 the course of professional practice or research in this state.

5 (3) A physician licensed to practice medicine and surgery, a
6 physician licensed to practice osteopathic medicine and surgery, a
7 dentist licensed to practice dentistry, a podiatric physician and
8 surgeon licensed to practice podiatric medicine and surgery, a
9 licensed physician assistant or a licensed osteopathic physician
10 assistant specifically approved to prescribe controlled substances by
11 his or her state's medical quality assurance commission or equivalent
12 and his or her supervising physician, an advanced registered nurse
13 practitioner licensed to prescribe controlled substances, or a
14 veterinarian licensed to practice veterinary medicine in any state of
15 the United States.

16 (ff) "Prescription" means an order for controlled substances
17 issued by a practitioner duly authorized by law or rule in the state
18 of Washington to prescribe controlled substances within the scope of
19 his or her professional practice for a legitimate medical purpose.

20 (gg) "Production" includes the manufacturing, planting,
21 cultivating, growing, or harvesting of a controlled substance.

22 (hh) "Retail outlet" means a location licensed by the state
23 liquor control board for the retail sale of useable marijuana and
24 marijuana-infused products.

25 (ii) "Secretary" means the secretary of health or the secretary's
26 designee.

27 (jj) "State," unless the context otherwise requires, means a
28 state of the United States, the District of Columbia, the
29 Commonwealth of Puerto Rico, or a territory or insular possession
30 subject to the jurisdiction of the United States.

31 (kk) "THC concentration" means percent of delta-9
32 tetrahydrocannabinol content per dry weight of any part of the plant
33 *Cannabis*, or per volume or weight of marijuana product, or the
34 combined percent of delta-9 tetrahydrocannabinol and
35 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
36 regardless of moisture content.

37 (ll) "Ultimate user" means an individual who lawfully possesses a
38 controlled substance for the individual's own use or for the use of a
39 member of the individual's household or for administering to an

1 animal owned by the individual or by a member of the individual's
2 household.

3 (mm) "Useable marijuana" means dried marijuana flowers. The term
4 "useable marijuana" does not include either marijuana-infused
5 products or marijuana concentrates.

6 **Sec. 16.** RCW 69.50.204 and 2010 c 177 s 2 are each amended to
7 read as follows:

8 Unless specifically excepted by state or federal law or
9 regulation or more specifically included in another schedule, the
10 following controlled substances are listed in Schedule I:

11 (a) Any of the following opiates, including their isomers,
12 esters, ethers, salts, and salts of isomers, esters, and ethers
13 whenever the existence of these isomers, esters, ethers, and salts is
14 possible within the specific chemical designation:

15 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
16 piperidinyl]-N-phenylacetamide);

17 (2) Acetylmethadol;

18 (3) Allylprodine;

19 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also
20 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

21 (5) Alphameprodine;

22 (6) Alphamethadol;

23 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
24 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
25 propanilido) piperidine);

26 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
27 piperidinyl]-N-phenylpropanamide);

28 (9) Benzethidine;

29 (10) Betacetylmethadol;

30 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
31 piperidinyl]-N-phenylpropanamide);

32 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names: N-
33 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
34 phenylpropanamide;

35 (13) Betameprodine;

36 (14) Betamethadol;

37 (15) Betaprodine;

38 (16) Clonitazene;

39 (17) Dextromoramide;

- 1 (18) Diampromide;
- 2 (19) Diethylthiambutene;
- 3 (20) Difenoxin;
- 4 (21) Dimenoxadol;
- 5 (22) Dimepheptanol;
- 6 (23) Dimethylthiambutene;
- 7 (24) Dioxaphetyl butyrate;
- 8 (25) Dipipanone;
- 9 (26) Ethylmethylthiambutene;
- 10 (27) Etonitazene;
- 11 (28) Etoxeridine;
- 12 (29) Furethidine;
- 13 (30) Hydroxypethidine;
- 14 (31) Ketobemidone;
- 15 (32) Levomoramide;
- 16 (33) Levophenacylmorphan;
- 17 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 18 piperidyl]-N-phenylprop anamide);
- 19 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
- 20 piperidinyl]-N-phenylpropanamide);
- 21 (36) Morpheridine;
- 22 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 23 (38) Noracymethadol;
- 24 (39) Norlevorphanol;
- 25 (40) Normethadone;
- 26 (41) Norpipanone;
- 27 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 28 phenethyl)-4-piperidinyl] propanamide);
- 29 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 30 (44) Phenadoxone;
- 31 (45) Phenampromide;
- 32 (46) Phenomorphan;
- 33 (47) Phenoperidine;
- 34 (48) Piritramide;
- 35 (49) Proheptazine;
- 36 (50) Properidine;
- 37 (51) Propiram;
- 38 (52) Racemoramide;
- 39 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
- 40 propanaminde);

1 (54) Tilidine;

2 (55) Trimeperidine.

3 (b) Opium derivatives. Unless specifically excepted or unless
4 listed in another schedule, any of the following opium derivatives,
5 including their salts, isomers, and salts of isomers whenever the
6 existence of those salts, isomers, and salts of isomers is possible
7 within the specific chemical designation:

8 (1) Acetorphine;

9 (2) Acetyldihydrocodeine;

10 (3) Benzylmorphine;

11 (4) Codeine methylbromide;

12 (5) Codeine-N-Oxide;

13 (6) Cyprenorphine;

14 (7) Desomorphine;

15 (8) Dihydromorphine;

16 (9) Drotebanol;

17 (10) Etorphine, except hydrochloride salt;

18 (11) Heroin;

19 (12) Hydromorphenol;

20 (13) Methyldesorphine;

21 (14) Methyldihydromorphine;

22 (15) Morphine methylbromide;

23 (16) Morphine methylsulfonate;

24 (17) Morphine-N-Oxide;

25 (18) Myrophine;

26 (19) Nicocodeine;

27 (20) Nicomorphine;

28 (21) Normorphine;

29 (22) Pholcodine;

30 (23) Thebacon.

31 (c) Hallucinogenic substances. Unless specifically excepted or
32 unless listed in another schedule, any material, compound, mixture,
33 or preparation which contains any quantity of the following
34 hallucinogenic substances, including their salts, isomers, and salts
35 of isomers whenever the existence of those salts, isomers, and salts
36 of isomers is possible within the specific chemical designation. For
37 the purposes of this subsection only, the term "isomer" includes the
38 optical, position, and geometric isomers:

- 1 (1) Alpha-ethyltryptamine: Some trade or other names:
2 Etryptamine; monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
3 indole; a-ET; and AET;
- 4 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
5 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;
- 6 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other
7 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
8 DOB; 2C-B, nexus;
- 9 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
10 dimethoxy-a-methylphenethylamine; 2,5-DMA;
- 11 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 12 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
13 2C-T-7;
- 14 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-
15 methylphenethylamine; paramethoxyamphetamine, PMA;
- 16 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 17 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
18 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and
19 "STP";
- 20 (10) 3,4-methylenedioxy amphetamine;
- 21 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 22 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-
23 ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
24 MDE, MDEA;
- 25 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
26 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy
27 MDA;
- 28 (14) 3,4,5-trimethoxy amphetamine;
- 29 (15) Alpha-methyltryptamine: Other name: AMT;
- 30 (16) Bufotenine: Some trade or other names: 3-(beta-
31 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-
32 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
33 mappine;
- 34 (17) Diethyltryptamine: Some trade or other names: N,N-
35 Diethyltryptamine; DET;
- 36 (18) Dimethyltryptamine: Some trade or other names: DMT;
- 37 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
- 38 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,
39 7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2' 1,2)
40 azepino (5,4-b) indole; Tabernanthe iboga;

1 (21) Lysergic acid diethylamide;
2 (22) Marihuana or marijuana;
3 (23) Mescaline;
4 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
5 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
6 dibenzo[b,d]pyran; synhexyl;
7 (25) Peyote, meaning all parts of the plant presently classified
8 botanically as *Lophophora Williamsii* Lemaire, whether growing or not,
9 the seeds thereof, any extract from any part of such plant, and every
10 compound, manufacture, salts, derivative, mixture, or preparation of
11 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812
12 (c), Schedule I (c)(12));
13 (26) N-ethyl-3-piperidyl benzilate;
14 (27) N-methyl-3-piperidyl benzilate;
15 (28) Psilocybin;
16 (29) Psilocyn;
17 (30)(i) Tetrahydrocannabinols, meaning tetrahydrocannabinols
18 naturally contained in a plant of the ((genus)) genera *Cannabis*
19 ((~~cannabis~~ plant)), as well as synthetic equivalents of the
20 substances contained in ((the)) such plant, or in the resinous
21 extractives of the genera *Cannabis*, ((~~species~~)) and/or synthetic
22 substances, derivatives, and their isomers with similar chemical
23 structure and pharmacological activity such as the following:
24 ((+i)) (A) 1 - cis - or trans tetrahydrocannabinol, and their
25 optical isomers, excluding tetrahydrocannabinol in sesame oil and
26 encapsulated in a soft gelatin capsule in a drug product approved by
27 the United States Food and Drug Administration;
28 ((+ii)) (B) 6 - cis - or trans tetrahydrocannabinol, and their
29 optical isomers;
30 ((+iii)) (C) 3,4 - cis - or trans tetrahydrocannabinol, and its
31 optical isomers;
32 (Since nomenclature of these substances is not internationally
33 standardized, compounds of these structures, regardless of numerical
34 designation of atomic positions covered.)
35 (ii) Industrial hemp, as defined in section 3 of this act, is
36 excepted from the categories of controlled substances identified
37 under this section;
38 (31) Ethylamine analog of phencyclidine: Some trade or other
39 names: N-ethyl-1phenylcyclohexalymine, (1-phenylcyclohexyl)
40 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

1 (32) Pyrrolidine analog of phencyclidine: Some trade or other
2 names: 1-(1-phencyclohexyl)pyrrolidine; PCPy; PHP;

3 (33) Thiophene analog of phencyclidine: Some trade or other
4 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienylanalog of
5 phencyclidine; TPCP; TCP;

6 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other
7 name is TCPy.

8 (d) Depressants. Unless specifically excepted or unless listed in
9 another schedule, any material, compound, mixture, or preparation
10 which contains any quantity of the following substances having a
11 depressant effect on the central nervous system, including its salts,
12 isomers, and salts of isomers whenever the existence of such salts,
13 isomers, and salts of isomers is possible within the specific
14 chemical designation.

15 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
16 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
17 sodium oxybate; sodium oxybutyrate;

18 (2) Mecloqualone;

19 (3) Methaqualone.

20 (e) Stimulants. Unless specifically excepted or unless listed in
21 another schedule, any material, compound, mixture, or preparation
22 which contains any quantity of the following substances having a
23 stimulant effect on the central nervous system, including its salts,
24 isomers, and salts of isomers:

25 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-
26 oxazoline; or 4, 5-dihydro-5-phenyl-2-oxazolamine;

27 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

28 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,
29 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

30 (4) Fenethylamine;

31 (5) Methcathinone: Some other names: 2-(methylamino)-
32 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-
33 phenylpropan-1-one; alpha-N-methylaminopropiophenone;
34 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;
35 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and
36 salts of optical isomers;

37 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-
38 phenyl-2-oxazolamine);

39 (7) N-ethylamphetamine;

1 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-
2 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.
3 The controlled substances in this section may be added,
4 rescheduled, or deleted as provided for in RCW 69.50.201.

5 NEW SECTION. **Sec. 17.** Sections 2 through 9 and 11 through 13 of
6 this act constitute a new chapter in Title 15 RCW.

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